

BUREAU OF AUTOMOTIVE REPAIR

ORDER OF ADOPTION

The Bureau of Automotive Repair hereby adopts the following regulations in Chapter 1 of Division 33 of Title 16 of the California Code of Regulations as follows:

(1) Section 3394.4 of Article 11 is amended to read as follows:

§ 3394.4. Eligibility Requirements.

(a) In order to participate in the Consumer Assistance Program, a person must meet the following requirements, as applicable:

(1) Be the registered owner of an eligible vehicle who has paid all appropriate registration fees for the vehicle with the Department of Motor Vehicles.

(2) Under a Repair Assistance option which is based on a person's income level:

(A) i. Until December 31, 2008, H~~have~~ a household income that is less than or equal to one hundred eighty-five two hundred twenty-five percent (185%225%) of the federal Poverty Guidelines, as published by the United States Department of Health and Human Services;

ii. Beginning January 1, 2009, have a household income that is less than or equal to one hundred eighty-five percent (185%) of the federal Poverty Guidelines, as published by the United States Department of Health and Human Services; and

(B) Spend a minimum co-payment of twenty dollars (\$20) on emissions-related repairs at a licensed smog check test-and-repair station. Money spent to correct tampered emissions control systems or to make a vehicle testable shall not be included in the co-payment.

(3) Under a Repair Assistance option which is based on a person's vehicle being directed to a Test-Only station to have its smog check inspection, as indicated on the Department of Motor Vehicles renewal notice, spend a minimum co-payment of one hundred dollars (\$100) on emissions-related repairs at a licensed smog check test-and-repair station. Money spent to correct tampered emissions control systems or to make a vehicle testable shall not be included in the co-payment.

(4) Under the Vehicle Retirement option:

(A) Obtain a Revivable Junk Receipt from the Department of Motor Vehicles after receiving written confirmation from the Bureau of Automotive Repair on program eligibility;

(B) Not have retired another vehicle through the Smog Check Consumer Assistance Program within a preceding twelve- (12) month period; and

(C) A vehicle owner who is a joint owner of a vehicle may not sell more than two (2) vehicles to the Consumer Assistance Program within a twelve- (12) month period.

(b) In order to qualify for participation in any option of the Consumer Assistance Program, a vehicle must ~~meet the following requirements, as applicable:~~

~~(1) Be~~ be a motor vehicle that is required biennially to obtain a certificate of compliance pursuant to Section 44011 of the Health and Safety Code and has failed a biennial smog check inspection, as required pursuant to subdivision (a) of Section 44011.

~~(2) Under (c)~~ In order to qualify for participation in the Vehicle Retirement option of the Consumer Assistance Program, at the time of application, ~~the~~ a vehicle must:

~~(A1) Be~~ be currently registered with the Department of Motor Vehicles; or,

~~(B2) Be~~ be currently operating under a repair cost waiver or economic hardship extension issued by the Bureau of Automotive Repair; or,

~~(C3) Be~~ be currently operating under a Temporary Operating Permit issued by the Department of Motor Vehicles; or,

~~(D4) Not~~ Not have a registration that has been expired for more than 120 days after the date the application is postmarked; and

~~(35) Under the Vehicle Retirement option, have~~ Have been continuously registered as an operable vehicle with the Department of Motor Vehicles for the twenty-four (24) months immediately preceding the current registration expiration date; and

~~(4) Under the Vehicle Retirement option, have failed a biennial smog check inspection, as required pursuant to Section 44011(a) of the Health and Safety Code, no later than one hundred twenty (120) days after the expiration of the vehicle's most current renewal of registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than 120 days prior to the postmarked date on the application.~~

~~(56) Under the Vehicle Retirement option, have~~ Have failed a biennial smog check inspection no later than one hundred twenty (120) days after the expiration of the vehicle's most current renewal of registration with the Department of Motor Vehicles, provided that the registration renewal date is not more than 120 days prior to the postmarked date on the application, and that

the failure is for causes other than an ignition timing adjustment, a failed gas cap functional test, or a non-emission related failure identified by the malfunction indicator light-; and

(67) ~~Under the Vehicle Retirement option, b~~Be a passenger vehicle, or light-duty truck, with a gross vehicle weight rating of 8,500 pounds or less-; and

(78) ~~Under the Vehicle Retirement option, p~~Pass a visual inspection conducted by the Bureau or its representative verifying that:

- (A) ~~a~~All doors are present;
- (B) ~~t~~The hood lid is present;
- (C) ~~t~~The dashboard is present;
- (D) ~~t~~The windshield is present;
- (E) ~~a~~At least one side window glass is present;
- (F) ~~t~~The driver's seat is present;
- (G) ~~a~~At least one bumper is present;
- (H) ~~t~~The exhaust system is present;
- (I) ~~a~~All side and/or quarter panels are present; and
- (J) ~~a~~At least one headlight, one taillight, and one brake light are present-; and

(89) ~~Under the Vehicle Retirement option, p~~Pass an operational inspection conducted by the Bureau or its representative verifying that:

- (A) ~~t~~The vehicle is driven under its own power to an approved dismantler site;
- (B) ~~t~~The vehicle's engine starts readily through ordinary means without the use of starting fluids or external booster batteries;
- (C) ~~t~~The drivability of the vehicle is not affected by any body, steering, or suspension damage;
- (D) ~~t~~The vehicle is able to drive forward a minimum distance of ten (10) yards under its own power-; and
- (E) ~~t~~The interior pedals are operational.

NOTE: Authority cited: Sections 44001.3, 44001.5 and 44002, Health and Safety Code and Section 9882, Business and Professions Code. Reference: Sections 44005, 44010.5, 44011, 44012, 44014.7, 44015, 44017, 44017.1, 44037.1, 44062.1, 44091, 44092, 44093, 44094 and 44095, Health and Safety Code.

(2) Section 3394.6 of Article 11 is amended to read as follows:

§ 3394.6. Application and Documentation Requirements.

(a) In order to participate in the Consumer Assistance Program, an applicant must submit a completed application, CAP/APP (~~02/02~~03/05), which is hereby incorporated by reference, to the Department or its designee with original signature(s).

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NOTE: Authority cited: Sections 44001.5, 44002, 44091 and 44094, Health and Safety Code and Section 9882, Business and Professions Code. Reference: Sections 44001.3, 44005, 44010.5, 44011, 44012, 44014, 44014.2, 44015, 44017, 44017.1, 44062.1, 44092, 44093, 44094, and 44095, Health and Safety Code.

/s/

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Bureau of Automotive Repair